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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,362	12/16/2003	Brian Andrew Carr	MCG00333	6018
23330	7590	12/18/2007		
MOTOROLA, INC. LAW DEPARTMENT 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196			EXAMINER KAO, JUTAI	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			12/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/737,362

Applicant(s)

CARR, BRIAN ANDREW

Examiner

Ju-Tai Kao

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11/13/2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

**KWANG BIN YAO
SUPERVISORY PATENT EXAMINER**



Continuation of 11. NOTE:

The applicant argues that the combination does not disclose a special node card equipped with an Ethernet bridging unit and an external Ethernet connector. However, as cited in the previous action, Schwartz clearly shows that Backplane switch 14 in Fig. 1 can be a circuit card, being the special aggregation card, plugged into a socket on the backplane, which would be the aggregation slot. Schwartz also shows that the backplane switch 14, which includes the aggregation card, being the bridging unit that bridges between the internal node cards 16 and further connects to external entities via external ports 42. Prior art 1 further shows such connection including the fabric slot, which is a special type of node slot, or the aggregation slot as claimed. Thus, the circuit card of the backplane switch (representing the claimed special aggregation card) is equipped with an Ethernet bridging unit (the switch being the central bridge between internal node cards and external entities) and external Ethernet connector (the external ports 42).

The applicant further argues that "The claimed invention requires that there be dedicated links between a node slot and an aggregation slot and that the aggregation slot being a specialized node slot". Prior art 1 clearly shows the dedicated links between node slots and fabric slots in Fig. 6, wherein the fabric slots are considered the specialized node slots, or aggregation slots. Furthermore, Schwartz shows a plurality of node cards 16 making dedicated connections 14 to the different ports of backplane switch 12. Specifically, node cards 16 are connected to node slots and backplane switch 12 is the specialized circuit card connected to the special backplane socket as described in the paragraph above. This backplane socket can also be considered the claimed specialized node slot. Thus, the argument is not persuasive at least based on the two reasons given above.

The applicant also argues that the claimed limitation requires the connection between the aggregation slot with the remaining node slots in a prescribed way (which Prior art 1 shows in Fig. 6, as explained in the above paragraphs and the previous action) so that the aggregation card with the Ethernet bridging unit (explained in above paragraphs) can provide the Ethernet functionality (as shown in previous action, communication using the Ethernet protocol is achieved in Schwartz's node cards connection scheme as shown in column 7, line 37-41).

And lastly, the claimed limitations recites making connections between node slots and aggregation slots by connecting the Ethernet transmit pins of the node slots with the Ethernet receive pins of the aggregation slots. Again, prior art 1 and Schwartz both shows this connection, and Dove shows the technique of making connection by connecting the Ethernet transmit pins of one unit with the Ethernet receive pins of another unit. Thus, the combination of prior art 1 and Schwartz also disclose this feature of the claimed invention.

In sum, the previously cited references show all of the features of the claimed limitations. All arguments filed in the remarks are not persuasive based on the reasons given above.